

Message Text

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ORIGIN ARA-10

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FM SECSTATE WASHDC
TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

C O N F I D E N T I A L STATE 272076

LIMDIS

E.O. 11652: GDS

TAGS: CGEN

SUBJECT: SECURITY ASSISTANCE MANAGEMENT - EFFECTS OF
RECENT LEGISLATION

REFS: STATE 224915; STATE 284181; STATE 044764

1. TO ASSIST POSTS IN CLARIFYING SOME OF THE QUESTIONS
ARISING FROM TERMINATION OF MILGPS AND ESTABLISHMENT OF
THEIR SUCCESSORS, THE FOLLOWING MAY PROVE USEFUL.

2. THE 1976 LEGISLATION TERMINATED ELEVEN MAAGS/MILGPS
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WORLD-WIDE INCLUDING THREE IN LATIN AMERICA-COSTA RICA,
PARAGUAY AND URUGUAY. THESE MILGPS WERE TO BE REPLACED
BY A NEW ENTITY - THE OFFICE OF DEFENSE COOPERATION (ODC)
CONSISTING OF NOT MORE THAN THREE MILITARY MEMBERS ASSIGNED
DIRECTLY TO THE AMBASSADOR. IT WAS CLEAR FROM THE LEGISLA-
TIVE LANGUAGE THAT IT WAS THE INTENT OF CONGRESS THAT
THESE PERSONNEL BE AN INTEGRAL PART OF THE EMBASSY AND TO

CARRY OUT THOSE SECURITY ASSISTANCE PROGRAMS FUNCTIONS THE AMBASSADOR DETERMINED ESSENTIAL IN THE DISCHARGE OF HIS RESPONSIBILITIES.

3. THE 1977 LEGISLATION IN EFFECT RESTATES THE LANGUAGE OF THE FORMER SECTION 515 PROHIBITING MAAGS AND SIMILAR GROUPS

FROM OPERATING IN ANY FOREIGN COUNTRY WITHOUT SPECIFIC CONGRESSIONAL AUTHORIZATION. SECTION 515(B) PROVIDES THE EXPRESS AUTHORIZATION FOR ASSIGNMENT OF MILITARY PERSONNEL "TO PERFORM NECESSARY FUNCTIONS" WITH RESPECT TO MAP, IMET AND FMS PROGRAMS IN EACH OF FIFTEEN SPECIFIED COUNTRIES INCLUDING, FOR THE ARA REGION - BRAZIL AND PANAMA. SECTION 515(C) PERMITS ASSIGNMENT OF UP TO THREE MEMBERS OF THE ARMED FORCES TO ANY COUNTRY NOT SPECIFICALLY LISTED IN 515(B), I.E., ALL OTHERS IN THE ARA REGION EXCEPT FOR BRAZIL AND PANAMA, TO PERFORM "ACCOUNTING AND OTHER MANAGEMENT FUNCTIONS" WITH RESPECT TO MAP, IMET AND FMS PROGRAMS. THIS NUMBER MAY BE INCREASED UP TO SIX IF THE CHIEF OF THE DIPLOMATIC MISSION SO REQUESTS "AS NECESSARY TO THE EFFICIENT OPERATION OF THE MISSION."

4. APART FROM THIS AUTHORITY TO INCREASE THE NUMBER OF PERSONNEL ASSIGNED TO A COUNTRY UNDER THIS SUBSECTION, IT DIFFERS SUBSTANTIVELY FROM THE PREVIOUS LEGISLATIVE CONFIDENTIAL

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LANGUAGE IN THAT IT LIMITS THE RESPONSIBILITIES OF SUCH PERSONNEL TO "ACCOUNTING AND OTHER MANAGEMENT FUNCTIONS" VICE THE EARLIER LANGUAGE, "SUCH FUNCTIONS AS THE CHIEF OF MISSION DETERMINES NECESSARY."

5. WITH RESPECT TO THE MILGPS AUTHORIZED UNDER 515(B) - BRAZIL AND PANAMA, THE LEGISLATION CONTAINS THE STATEMENT THAT, "IT IS THE SENSE OF THE CONGRESS THAT ADVISORY AND TRAINING ASSISTANCE IN THE COUNTRIES SPECIFIED ABOVE SHALL PRIMARILY BE PROVIDED BY PERSONNEL WHO ARE NOT ASSIGNED UNDER THIS SUBSECTION AND WHO ARE DETAILED FOR LIMITED PERIODS TO PERFORM SPECIFIC TASKS."

6. SIMILARLY, SUBSECTION 515(C) CONCERNING THE THREE/SIX MAN GROUPS CONTAINS THE STATEMENT, "TO PERFORM ACCOUNTING AND OTHER MANAGEMENT FUNCTIONS WITH RESPECT TO INTERNATIONAL SECURITY ASSISTANCE PROGRAMS." IT IS OUR POSITION THAT THE CONGRESS DID NOT INTEND THAT THE TRAINING AND ADVISORY FUNCTION BE PART OF THE PRIMARY ACTIVITIES OF THE THREE TO SIX MAN GROUPS.

7. SECTION 515(C) STATES THAT PERSONNEL ASSIGNED UNDER

SECTIONS 515(B) AND 515(C) SERVE "UNDER THE DIRECTION AND SUPERVISION" OF THE CHIEF OF DIPLOMATIC MISSION. THIS LANGUAGE DIFFERS SOMEWHAT FROM THE EARLIER 1976 LEGISLATION WHEREIN PERSONNEL WERE ASSIGNED "TO" THE CHIEF OF MISSION. THERE IS, HOWEVER, NOTHING IN THE LEGISLATIVE HISTORY OF THIS SUBSECTION TO INDICATE ANY CONGRESSIONAL INTENT TO ALTER THE RELATIONSHIP BETWEEN THE CHIEF OF MISSION AND THE MILITARY PERSONNEL ASSIGNED UNDER 515 THAT

HAD OBTAINED UNDER PRIOR LAW, AND WE ARE NOT SO CONSTRUING IT.

8. THEREFORE, THE RELATIONSHIP OF THE MILITARY ASSISTANCE MANAGEMENT ENTITY TO THE CHIEF OF MISSION IS ESSENTIALLY CONFIDENTIAL

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UNCHANGED FROM THAT OBTAINING UNDER THE PRIOR VERSION OF SECTION 515 AND FOR WHICH INSTRUCTIONS WERE SENT ON ADMINISTRATION OF THE NEW ODC'S (STATE 224915). IN OTHER WORDS, AS WE SEE IT, THE ENTITY IS UNDER THE DIRECT SUPERVISION OF THE CHIEF OF MISSION, REPORTS THROUGH STATE CHANNELS (WHILE, OF COURSE, KEEPING DOD INFORMED AS WELL), HAS THE PRIVILEGES AND IMMUNITIES OF CORRESPONDING EMBASSY STAFF, AND DERIVES EQUIVALENT ADMINISTRATIVE SUPPORT AS IF IT WERE AN EMBASSY SECTION, UNDER SAS SYSTEM.

9. PERSONNEL OF ARA'S OFFICE OF REGIONAL POLITICAL PROGRAMS ARE PROGRAMMING VISITS TO MOST ADDRESSEE POSTS . IN WHICH, AMONG OTHER ISSUES DISCUSSED, BUREAU GUIDANCE ON SECURITY ASSISTANCE AND ITS MANAGEMENT CAN BE PROVIDED.

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